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Attorneys for Hogil Pharmaceutical Corp. and Howard Wendy

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	:	Chapter 7
	:	
INNOMED LABS, LLC,	:	Case No. 02-22644 (ASH)
	:	
Debtor.	:	

DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL

Hogil Pharmaceutical Corp. and Howard Wendy (“Appellants”), by and through their attorneys, Klestadt & Winters, LLP, respectfully submit the following Designation of Record and Statement of Issues on Appeal in connection with the Notice of Appeal, filed by Appellants on April 11, 2007, to the United States District Court of the Southern District of New York from an order entered by the United States Bankruptcy Court for the Southern District of New York, over Appellants’ objection, on April 3, 2007, “Authorizing Jeffrey L. Sapir, Esq., Chapter 7 Trustee, to Retain and Employ Robinowitz Cohlan Dubow & Doherty, LLP as Special Counsel to the Chapter 7 Trustee” [Docket #57] in the above-captioned Chapter 7 case.

Designation of Record

Appellants designate the following items to be included in the record on appeal:

1. Application to Employ Robinowitz Cohlan Dubow & Doherty, LLP (“Proposed Special Counsel”) as Special Counsel to the Trustee filed by Jeffrey L. Sapir, Chapter 7 Trustee (the “Application to Retain Special Counsel”) (Docket No. 51).

2. Objection of Hogil Pharmaceutical Corp. and Howard Wendy to the Application to Retain Special Counsel. (Docket No. 52).
3. Response of Jeffrey L. Sapir, Chapter 7 Trustee, to Objection of Howard Wendy and Hogil Pharmaceutical Corp. to the Application to Retain Special Counsel (Docket No. 54).
4. Transcript of Hearing Held on March 22, 2007 (Docket No. 68).
5. Transcript of Hearing Held on March 28, 2007 (Docket No. 67).
6. Order signed on April 3, 2007 Authorizing Jeffrey Sapir, Chapter 7 Trustee, to retain and employ Robinowitz Cohlan Dubow & Doherty, LLP as Special Counsel to the Chapter 7 Trustee. (Docket No. 57).
7. Declaration of Paul F. Corcoran, dated December 13, 2005, submitted in response to Motion of Gilbert Spector to Reopen Chapter 11 Case of Hogil Pharmaceutical Corp. (Docket No. 362 in NYSB Chapter 11 Case No. 99-11107, with all attached exhibits). Attached hereto as **Exhibit A**.
8. Declaration (Supplemental) of Howard Wendy dated December 13, 2005, in Opposition to Motion of Dr. Gilbert Spector to Reopen Hogil Pharmaceutical Corp. Case and for Other Relief. (Docket No. 362 in NYSB Chapter 11 Case No. 99-11107, with all attached exhibits). Attached hereto as **Exhibit B**.

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Statement of Issues

1. Did the Bankruptcy Court err in granting the Application to Retain Special Counsel over the objections of Hogil Pharmaceutical Corp. and Howard Wendy?
2. Did the Bankruptcy Court err in failing to find that Proposed Special Counsel was not “disinterested” in accordance with 11 U.S.C. §327(a)?
3. Did the Bankruptcy Court err in failing to find that the Application to Retain Special Counsel was improper as all claims alleged against Howard Wendy, as defined by the Trustee, were time-barred pursuant to N.Y. CPLR 213 and 11 U.S.C. §546?
4. Did the Bankruptcy Court err in failing to find that the Application to Retain Special Counsel was improper as it was ultimately motivated by the pursuit of a “vendetta” against Howard Wendy?

Dated: New York, New York
April 17, 2007

Respectfully submitted,

KLESTADT & WINTERS, LLP
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